

REMARKS

Reconsideration of the application as amended is requested. The Examiner's remarks and cited references have been received and carefully considered. Claims 1-16 are pending and at issue in the present application.

Claims 1-4, and 6-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Harpenau patent (U.S. Patent No. 6,419,102). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984). It was the Examiner's contention that Harpenau "discloses a standoff 25 extending rearwardly from the front face plate and having a portion" In fact, the reference numeral "25" in the Harpenau reference is "an integrally formed mounting lip" which is "located in a plane substantially parallel to the plane defined by front periphery 18." The amended claim 1 of the instant application recites "a plurality of standoffs extending rearwardly from the front face plate wherein each of the standoffs has a portion adapted to attach to a wood stud to hold the housing in place." Because Harpenau does not have either (1) a plurality of standoffs, or (2) standoffs that extend rearwardly from a front face plate, the Harpenau reference cannot anticipate claim 1 of the instant application.

The Examiner also rejected claims 5 and 8-16 as obvious under 35 U.S.C. § 103(a) over Harpenau. In order to establish a prima facie case of obviousness, three basic criteria must be met, accordingly to the Manual of Patent Examining Procedure, § 706.02(j). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references) must teach or suggest all the claim limitations.

Applicant respectfully submits that based upon a review of both the specification and the drawings of the Harpenau patent, the Examiner has not demonstrated that some of the limitations of the claims are shown or suggested in the reference. The Examiner contends that claims 5 and 8-16 are obvious in view of Harpenau. With respect to claim 5, Harpenau does not consider, nor even suggest "a plurality of posts adapted to have a bracket attached thereto for holding a dryer

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venting duct in place and stable” as recited in claim 5. Further, with regard to claims 8-16, Harpenau does not teach or suggest the angularity of the top wall, bottom wall, and side walls relative to the rear wall. Further, Harpenau does not teach or suggest standoffs, and certainly does not disclose or suggest standoffs having a beveled portion to assist in boring the standoff into a wood stud as stated in claim 9. Regarding claim 10, Harpenau does not disclose or suggest “at least one standoff extending rearwardly and which comprises a beveled portion adapted to sink into a wood stud when pressure is applied to the housing.” In fact, Harpenau does not teach or make any suggestion of a housing for dryer venting that includes standoffs that secure the housing to wood studs by sinking standoffs into the studs.


The remaining claims are dependent from one of the above claims and, for at least the reasons discussed above, are allowable as dependent from an allowable base claim.

The Applicant has made a concerted effort to place the present application in condition for allowance, and a Notice to this effect is earnestly solicited. In the event there are any remaining formalities or other issues needing Applicant’s assistance, Applicant requests the Examiner to call the undersigned attorney. Also, if the Examiner believes a telephone or in person interview would be helpful, Applicant requests the Examiner to call the undersigned attorney.

Respectfully submitted,

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Dated: January 26, 2006



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